IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**WRIT PETITION NO : 17574 of 2003**

Between:

1 Tammileru Ayacutdara Association West Godavari and krishna District, rep. by President Ch.V.S. Dharma Rao, S/o adhusudhana Rao, Yadavalli 39, Lingapalem Mandal, West odavari District.
2 Pakanati Nageswaramma, W/o. Nageswara Rao, Yerrampalli, Chintalapudi Mandal, West Godavari District.
3 Chennu venkateswara Rao, S/o. Sri Anjaiah Lingapalem, lingapalem Mandal, West Godavari District,
4 Podili, Gangadhara Rao, S/o Sri Ramaiah. T.Ch. Palem Lingapalem Mandal, West Godavari District
5 Kakani Balaswamy, S/o. Sri Venkaiah, Yerrampalli 39, Lingapalem Mandal, West Godavari District.
6 Manapati Anuradha, W/o basava Reddy, Chatrai Chatrai Mandal, Krishna District.
7 Ch. Balastya Dharma Rao, S/o. Sri Ch. S. Raghunatha Rao, Polavaram, Chatrai Mandal, Krishna District.
8 K.G. Srinivasa Rao, S/o. KHV Satyanarayana, Pothanapalli, Chatrai Mandal, Krishna District.
9 G. Gopalaswamy, S/o. Sri Tirupathaiah, Marlpalem, Chatrai Mandal, krishna Distirct .

**..... PETITIONERS**

AND

1 Government of Andhra Pradesh, rep. by its Principal Secretary, Irrigation & command Area Development Department, Hyderabad.
2 Engineer-in-Chief (AW), Irrigation & C.A.D. Department, Erram Manzil Hyderabad.
3 Chief Engineer Minor Irrigation, Government of A.p., Erram manzil, Hyderabad.
4 Chief Engineer, Minor Irrigation, Government of Andhra Pradesh, Erram manzil, Hyderabad .

5 Superintending Engineer, Irrigation Circle, Warangal

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Mandamus declaring the action of the Respondents in increasing/stabilizing the ayacut upstream of Thammileru River project without taking into consideration the rights of the lower riparian ayacutdars and sanctioning the schemes for expansion and for additional storage of Water in Thammileru Viz., expansion of Baithpally Tank and unauthorized raising of level of Tubmur anicut effecting the interests of the downstream ayacutdars is illegal and arbitrary and consequently direct the respondents to devise the means and methods to regulate the usage of water by various projects on the Thammileru river by constituting an authority/committee and safeguard the interests of the ayacutdars.

**Counsel for the Petitioners:MR.B.ADINARAYANA RAO**

**Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.**

**The Court made the following** :

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**ORDER:-**

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

Petitioners herein who claim to be the ayacutdars filed this writ petition, inter alia, challenging the action of the respondents in increasing/stabilizing the ayacut upstream of Thammileru River Project without taking into consideration the rights of the lower riparian ayacutdars and sanctioning the schemes for expansion and for additional storage of water in Thammileru viz., expansion of Baithpally Tank and unauthorized raising of level of Tubmur ayacut affecting the interests of the downstream ayacutdars as illegal.

Though several contentions have been urged on behalf of both sides, however, having regard to the memo No.15403/Irrigation-IV-2/2003-2 dated 24-7-2004 it is submitted that ends of justice would be met if the steps contemplated therein are implemented, which covers the case of the petitioners.

Accordingly, this writ petition is disposed of directing the respondents to implement the steps as contemplated in the aforesaid memo. No costs.

Stv/- 2—09—2004.

To

1 Government of Andhra Pradesh, rep. by its Principal Secretary,
Irrigation & command Area Development Department, Hyderabad.
2 Engineer-in-Chief (AW), Irrigation & C.A.D. Department, Erram Manzil
Hyderabad.
3 Chief Engineer Minor Irrigation, Government of A.p., Erram manzil, Hyderabad.
4 Chief Engineer, Minor Irrigation, Government of Andhra Pradesh,
Erram manzil, Hyderabad .

5 Superintending Engineer, Irrigation Circle, Warangal.

6 2CCs to the Government Pleader for Irrigation and Command Area Development, High Court Buildings, Hyderabad(OUT).

7 2CD copies.